



U.S. Department
of Transportation
Federal Highway
Administration

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DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

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400 Seventh St., S.W.
Washington, D.C. 20590

Refer to: HCS-20

FHWA 98-4334-13

Ms. Cindy Gerber
South Dakota Department of
Commerce and Regulation
Driver Licensing
118 West Capitol
Pierre, South Dakota 57501

Re: Mr. Johnny A. Beutler [REDACTED], **Mr. Rodney D. Lemburg** [REDACTED],
Mr. Larry Waldner [REDACTED]

Dear Ms. Gerber:

The Federal Highway Administration has proposed granting the South Dakota commercial motor vehicle (CMV) drivers above an exemption from the vision regulation in 49 CFR 391.41 (b)(10). If they meet all other Federal Motor Carrier Safety Regulations, these individuals would be qualified to operate a CMV in interstate commerce. The exemption would be granted under 49 U.S.C. 31136(e); it is valid for 2 years and is renewable. I have enclosed the December 1, 1998, Federal Register notice giving the details of our proposal.

The conditions attached to the exemption, which each driver must meet in order to retain it, are:

- (1) Each individual must be physically examined every year (a) by an ophthalmologist or optometrist who attests his vision continues to measure at least 20/40 (Snellen) in the better eye, and (b) by a medical examiner who attests he is otherwise physically qualified under 49 CFR 391.41.
- (2) Each individual must provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination.
- (3) The medical certificate must bear the statement, "**Medically unqualified unless accompanied by a Federal vision waiver.**"
- (4) Each individual must have a copy of the certificate when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

FHWA:HCS-20:MThomas:ltw:68786:1/5/98

cc: HCS-RF, HCS-20RF, HCS-20(MTHOMAS,ZYWOKARTE,TDOGGETT)

HRC-WE-CO, Mark D. Gilmore (South Dakota Division Office)

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with A Vision

Although the exemption is valid for 2 years, the medical certificate may be valid for no more than 12 months. Each driver must undergo a recertification examination every year.

If you have any questions, please feel **free** to contact Mr. Michael Thomas, of my staff, at 202-366-8786.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul L. Brennan".

Paul L. **Brennan**, Director
Office of Motor Carrier
Research and Standards

Enclosure